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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,564	10/24/2003	Ming-Chuan Ma	4413-0124P	7521

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EXAMINER

PETKOVSEK, DANIEL J

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,564

Applicant(s)

MA, MING-CHUAN

Examiner

Daniel J. Petkovsek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on application filed October 24, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on October 24, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the application filed October 24, 2003. Claims 1-10 are pending.

Claim Objections

1. Claims 1 and 5 are objected to because of the following informalities: regarding claim 1, in the paragraph beginning with “a circuit board...”, the phrase “*one of said* cable wire(s)” lacks antecedent basis. There is only one “cable wire” previously established in the claim. Also, “another thereof” lacks antecedent basis as well. Not only is there only one “cable wire”, but the claim language is not clearly defined if this “another thereof” refers to the “cable wire”. It is noted that the claimed limitations are unclear, and are examined only as to **one** cable wire, and any further limitations are not read into the claim language. It is suggested that Applicant re-write the entire paragraph beginning with “a circuit board....”, to more clearly identify the invention to a person having ordinary skill in the art. Regarding claim 5, “comprises plurality indented spots” should read, “comprises *a* plurality *of* indented spots”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez

U.S.P. No. 6,921,286 B1.

Fernandez U.S.P. No. 6,921,286 B1 teaches (See ABS, Figs. 1, 3, column 2 line 28 through column 3, line 12) a light emitting cable 10 comprising: a cable wire comprising a signal wire (electrical leads), a power cord (passing power/current), and an optical fiber 7 disposed underneath a transparent layer 12; and a control circuit 14 powering light emitting elements 15 where the cable wire is connected to the light emitting elements and the power cord connects through the wire(s), in which the light emitting elements emit light through the optical fiber 7, which is reflected internally and creates a glow/coloring of the transparent isolation layer 12, which clearly, fully meets Applicant's claimed limitations.

It is noted that terms such as "suitable for" and "can be used" are intended uses of the device. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ.2d 1647 (1987). These limitations are given no patentable weight. As such, claims 6-10 stand rejected as intended use limitations.

Regarding claim 2, elements 15 are light emitting diodes.

Regarding claim 3, since no material can be 100% transparent, the material 12 must be no more than 99.9% transparent, which, by definition, is "semi-transparent".

Regarding claim 4, see "transparent" isolation layer 12.

Regarding claim 5, optical fibers inherently have spots/errors that allow light to be emitted outwardly. If there were no spots/specks/dots, light would travel down the fiber without escaping.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, with respect to the state of the art of cables that have glowing capabilities through optical fibers: PTO-892 form references B-E.

In particular see U.S.P. No. 6,596,943 B1 to Ward (see column 1, lines 28-44) for the special use of illumination of cables **to help plug peripherals** into PC's, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Petkovsek whose telephone number is (571) 272-2355. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Petkovsek
September 15, 2005



Sung Pak
Patent Examiner
AU 2874